

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FLORENCE MUSSAT, M.D., S.C., an Illinois)	
Corporation, individually and on behalf)	
of a class,)	
)	
Plaintiff,)	
)	
v.)	
)	
MCVEY ASSOCIATES, INC.,)	
)	
Defendants.)	

COMPLAINT-CLASS ACTION

1. Plaintiff Florence Mussat, M.D., S.C., an Illinois Corporation, brings this action to secure monetary and injunctive redress for the illegal actions of Insurance McVey Associates, Inc. in faxing an unsolicited advertisement in the form of Exhibit A in violation of the Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”).

2. This Court has jurisdiction under 28 U.S.C. § 1331 (Federal Question) and 47 U.S.C. § 227 (“TCPA”). *Mims v. Arrow Financial Services, LLC*, 132 S.Ct. 740 (2012); *Brill v. Countrywide Home Loans, Inc.*, 427 F.3d 446 (7th Cir. 2005).

3. Venue and personal jurisdiction in this District are proper because Defendant committed tortious acts in Illinois by the transmission of Exhibit A to Plaintiff.

4. Plaintiff Florence Mussat, M.D., S.C. received the unsolicited fax advertisement attached as Exhibit A on its facsimile machine.

5. Defendant is responsible for causing to be sent and/or the sending of the fax attached hereto as Exhibit A.

6. Defendant is the entity whose products or services were advertised in the fax

advertisement attached as Exhibit A.

7. The products or services depicted in Exhibit A must be paid for, they are not free.

8. The subject form fax, Exhibit A, is an advertisement requesting Plaintiff to contact Defendant's business.

9. Plaintiff had no prior relationship with Defendant and had not authorized the sending of the fax advertisement, Exhibit A

10. The TCPA makes unlawful the "use of any telephone facsimile machine, computer or other device to send an unsolicited advertisement to a telephone facsimile machine . . ." 47 U.S.C. §227(b)(1)(C).

11. Plaintiff's and each class member's right of privacy was invaded.

WHEREFORE, Plaintiff requests that the Court enter judgment in favor of Plaintiff and the class and against Defendant for:

- a. Damages allowed under the TCPA;
- b. Injunctive relief; and
- c. Costs.

Respectfully submitted,

s/ Curtis C. Warner
Curtis C. Warner

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DOCUMENT PRESERVATION REQUESTS

PLEASE TAKE NOTICE that Defendants are requested to preserve all documents that relate to the identity of any potential putative class members going back four years from the filing of this complaint, including all fax logs, fax numbers, address and names. Defendant is requested to preserve any and all documents which show any expressed prior consent to receive faxes in the form of Exhibit A. Defendants are requested to preserve any and all documents which show any established business relationship with any potential putative class members.

Respectfully submitted,

s/ Curtis C. Warner
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EXHIBIT A



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- ✓ Learn How and Why you should start Recording Insurance Company Telephone Calls.
- ✓ Learn best practices for Billing preventative & diagnostic services.
- ✓ Learn what to say when the insurer tells you "we've never received your claim".



Reimbursements



Collections



Reimbursements



Collections



McVey
Seminars, Inc.

800-227-7888

29th Year

Wednesday, December 17, 2014
Phoenix, Arizona
Doubletree Suites by Hilton
320 N. 44th Street
(Phoenix, AZ 85009)

Thursday, December 18, 2014
Las Vegas, Nevada
Embassy Suites Hotel
4315 Swenson Street
(Las Vegas, NV 89119)

Wednesday, January 14, 2015
Tampa, Florida
Marriott Westshore Hotel
1001 N. Westshore Blvd.
(Tampa, FL 33607)

Thursday, January 15, 2015
Atlanta, Georgia
Hilton Airport Hotel
1031 Virginia Avenue
(Atlanta, GA 30354)

Times: 9:00 am - 12:00 pm

(Should you wish to be removed from our customer based broadcast fax list please call (800) 227-7888, or fax (415) 892-1271, or e-mail marketing@mcveyseminars.com)